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TECHNOLOGY CENTER R3700

Modified PTO/SB/26 (10-00)

*J. Jones*  
*James A. Jones*  
*#6*  
*03/13***TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**Docket Number (Optional)  
P6C2-US

In re Application of: Eldridge et al.

Application No.: 10/034,543

Filed: December 27, 2001

For: Probe Card Assembly And Kit, And  
Methods Of Using Same**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on February 12, 2003 in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

*Patti Crowder*  
Patti Crowder

The owner, FormFactor, Inc., a Delaware corporation, of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,032,356. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if applicable

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

*N. Kenneth Burrastop*  
N. Kenneth Burrastop  
Registration No. 39,923February 12, 2003  
Date

- ☒ The Commissioner is hereby authorized to charge the terminal disclaimer fee of \$110.00 as well as any additional or other fee deemed necessary for acceptance of this Terminal Disclaimer to Deposit Account No. 50-0285 (order no. P6C2-US).

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## T.D. INFORMAL MEMO

DATE: 6/4/13TO: Examiner: RabersAppl. S.N.: 10/034543FROM: G. V. Ney, ParalegalArt Unit: 3729SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 2/24/13

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant about the T.D. If you disagree with my analysis or have any Q's at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT SHOULD NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE IN THE APPLICATION FILE. WHEN YOUR ACTION IS DONE, YOU SHOULD INITIAL AND RETURN THIS MEMO TO ME.

- ☒ The T.D. is PROPER and has been recorded. (See 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason (s) checked below. (See 14.24).
- ☐ The recording fee of \$ \_\_\_\_\_ has not been submitted nor is there any authorization in the application file for the use of a deposit account. (See 14.25).
  - ☐ The T.D. does not satisfy Rule 321(b) (3) in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (See 14.26 and 14.26.1).
  - ☐ The T.D. lacks the enforceable only during the common ownership clause - needed to overcome a double patenting rejection, Rule 321(c). (See 14.27, 14.27.1).
  - ☐ It is directed to a particular claim or claims, which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted." (MPEP 1490) (See 14.26, 14.26.2).
  - ☐ The person who signed the terminal disclaimer:
    - ☐ has failed to state his/her capacity to sign for the business entity (See 14.28).
    - ☐ is not recognized as an officer of the assignee (See 14.29 and possibly 14.29.1).
  - ☐ No documentary evidence of a chain of title from the original inventor (s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office. 37 CFR 3.73 (b). See 1140 O.G. 72.  
NOTE-This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30).
  - ☐ No "statement" specifying that the evidentiary documents have been reviewed and that to the best of the assignee's knowledge and belief title is in the assignee seeking to take action. 37 CFR 3.73 (b). See 1140 O.G. 72.  
NOTE-This "statement" may be found in the T.D. or in a separate paper signed by the assignee. (See 14.31).
  - ☐ The T.D. is not signed. (See 14.26, 14.26.3)
  - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect. (See 14.32).
  - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases) being disclaimed is missing or incorrect. (See 14.26, 14.26.4 or 14.26.5).
  - ☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3).
  - ☐ Other:
  - ☐ Suggestion to request refund (See 14.36). (NOTE-if authorized, credit refund to deposit acct and do NOT check this item.)

I have appropriately notified applicant (s) about the T.D. filed in this case.  
Ex. initial and date: \_\_\_\_\_

DO NOT PROVIDE THIS MEMO TO APPLICANT;  
MUST BE RETURNED TO THE GROUP PARALEGAL